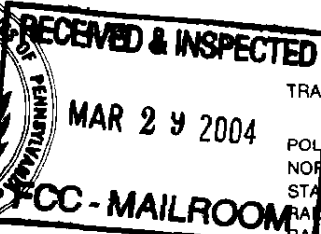


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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

March 23, 2004

Commission's Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Commissioners:

After reviewing the Bush administration's proposal to the FCC (RM-10865) to expand the Communications Assistance for Law Enforcement Act (CALEA) to require broadband service providers to introduce new architecture in their networks that would facilitate eavesdropping by law enforcement officials, I would encourage you to deny this request. If approved, the negative impacts of this proposal could severely hamper the free spread of ideas via the internet, increase the costs of internet access, and decelerate the rapid rate of innovation in internet technology.

First, there are obvious legal concerns with forcing broadband providers to implement new architecture in broadband lines specifically for the purpose of surveilling the transfer of information via the internet prior to there being any legal justification for doing so. CALEA as introduced and approved was understood to deal specifically with telephone communications, which I believe is fundamentally different than the internet as telephone lines are solely communication devices whereas the internet is also an information sharing device. Additionally, by forcing broadband providers to restructure their basic broadband architecture to make surveillance easier for governmental officials to monitor, there appears to be an intrusion on private property that would require just compensation.

Secondly, forcing a broadband service provider to make changes to its basic broadband architecture will induce additional costs on the broadband provider. Assuming that the government does not provide the broadband provider with compensation for these additional costs, the broadband provider will have no remedy to absorb these costs other than increasing its subscription price to its customers. Increasing subscription costs could decrease the amount of subscribers who could afford internet access which would hurt the subscriber who can no longer afford access, the subscriber who must pay more for access, and the broadband provider who experiences losses in its net customers in addition to the increased costs of reshaping its architecture.

Furthermore, I believe that any action that could potentially limit the availability of internet access in America is damaging to our expanding democracy. Just as telephones were once a luxury but later became a necessity, so too is the internet making that transition.

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The internet is allowing the average citizen access to a vast array of informational resources never before available to him. A democracy is based on the ability of its citizenry to be capable of making informed decisions, and in this respect, the internet is an invaluable resource. Additionally, there are increasing attempts by various groups to use the internet to establish some form of direct democracy, or at least higher voter participation through elections via the internet. While these measures remain a future possibility, it is an avoidable blow to democracy to prevent these opportunities from even surfacing by eliminating the possibility of internet access for the economically disadvantaged.

Lastly, approving the administration's proposal to put regulations on broadband providers could severely obstruct innovation in internet technologies. In its proposal, the administration argues that the FBI should be able to approve any new technologies to ensure that they are sufficiently effective in offering police surveillance capabilities. This proposal is absurd. It is the very essence of our free market economy and fundamental to the progress of science to leave innovation in the hands of scientists and entrepreneurs, not under the control of a bureaucratic governmental body. Imposing these regulations on broadband providers will stagnate the growth of internet technologies.

It should be noted that even with the existing broadband architecture, there is nothing untappable about packet or internet technologies. Packet services currently available for voice (and data) are tappable at one or more points in the networks, and it is my understanding that service providers have been fully cooperative with law enforcement officials to satisfy interception orders quickly and fully. It is my understanding that there is no need to modify the existing system of interception as it is already performing adequately for law enforcement.

Our great country was founded on a basic recognition of civil liberties that include a right to privacy and private property which has been enhanced by our uncanny ability to innovate. This formula for success is something that was once uniquely American but has since spread to all other competitive peoples throughout the world. For us to break with this noble tradition for anything less than a national security crisis would be a disastrous break from the very meaning of what it is to be American. It is our freedom that sets us apart from the evils in this world, and it is our freedom that we must cherish and protect above all else. If we are to fail our destined mission as the defenders of freedom, we will also lose our place as the leaders of the free world and will feel the negative consequences of that in everything from our culture to our science to our economy. Therefore, I respectfully ask you to join me in protecting our freedom by denying the administration's request to impose oversight powers for the FBI over the expansion of broadband technologies.

Sincerely,



KEITH R. McCALL
State Representative
122nd Legislative District

KRMc:dhb
cc: PA Congressional Delegation